

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 476 - HB 1253

March 2, 2023

SUMMARY OF BILL: Requires the county to seek to recover from a convicted defendant who is declared not to be indigent, the costs of the advance or reimbursement of witness expenses made by the Department of Correction (DOC), which were necessary to the prosecution of a criminal case upon request by the District Attorney General and approved by the court.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-25-129(a)(2), the state or county is required to pay or be liable for any costs or fees accrued in all cases where the defendant has been convicted in a court of record and the court has made a finding at any evidentiary hearing that the defendant is indigent and remains indigent at the time of conviction or where the execution issued upon the judgment against the defendant has been returned nulla bona.
- Pursuant to Tenn. Code Ann. § 40-25-129(c)(1), in such cases where an advance or reimbursement of witness expenses is made by the DOC, a determination of indigency is not immediately required; however, the county shall seek to recover the costs of the advance or reimbursement of witness expenses from a convicted defendant.
- The state and county are currently required to pay or be liable for any costs or fees in all cases where a defendant is determined to be indigent; therefore, any fiscal impact to state or local government as a result of the proposed legislation is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director

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